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Asia Minor has driven probably one million homeless, hungry, and helpless refugees across the line into Europe. It would be an exaggeration to say that this catastrophe was unexpected. Every one who is conversant with conditions in the world today knows that there are scattered piles of rubbish left by the World War whose smouldering embers may at any time be roused into a conflagration by the wind of circumstance.

WORK IN THE NEAR EAST

It has proven a great thing for the tangled world that the American Red Cross was ready for this sudden summons. Almost instantly Dr. A. Ross Hill, vice-chairman in charge of foreign operations, started for Athens, gathering to him as he went a staff of experienced workers. He is there now organizing relief toward which the American Red Cross has already dispatched three-quarters of a million dollars and is preparing to meet any emergency that may arise.

The President's committee, bringing into co-operation the Near East Relief and the other agencies that co-operated during the World War, is prepared for an intensive appeal to the American people in behalf of the misery that stands confronted by approaching winter. In the meantime the American Red Cross is meeting the emergency and will carry on relief in such measure as may be necessary.

It is the confident expectation of the organization that the answer of the American people to its roll-call appeal will be as it always has been—immediate and adequate. It could not well be otherwise, for the Red Cross asks for nothing but an opportunity to carry on that which is its single purpose—*service for the common good*.

THE PERMANENT COURT OF INTERNATIONAL JUSTICE AT WORK

The Editor of the *ADVOCATE OF PEACE* was fortunate enough to be permitted to hear the rendering of opinions Number 2 and Number 3 of the Court of International Justice, sitting in the Palace of Peace, at The Hague, August 12, 1922. Of the three opinions rendered, Number 2 is the most noteworthy. An official report of this opinion follows.—THE EDITOR.

Permanent Court of International Justice

Distr. 251. A.
August 12th, 1922.
File F. a. II.
Docket I. I.

FIRST (ORDINARY) SESSION

Present: MM. Loder, President,
Weiss, Vice-President,
Lord Finlay,
MM. Nyholm,
Moore,
de Bustamante,
Altamira,
Oda,
Anzilotti, Judges.
M. Negulesco, Deputy Judge.

ADVISORY OPINION NO. 2

By a resolution adopted on May 12, 1922, the Council of the League of Nations, in conformity with Article 14 of the

Covenant, requested the court to give an advisory opinion on the following question:

"Does the competence of the International Labor Organization extend to international regulation of the conditions of labor of persons employed in agriculture?"

By virtue of authority conferred by the resolution, the request of the Council was transmitted to the court by the Secretary-General of the League of Nations, by a letter dated at Geneva, May 22, 1922. Accompanying this letter there was a certified copy of the resolution, and also a memorandum prepared by the International Labor Office, which the Council had, by the same resolution, requested to afford the court all the assistance which it might require in the consideration of the question submitted to it.

In conformity with Article 73 of the rules of court, notice of the request was given to the members of the League of Nations through the Secretary-General of the League, to the States mentioned in the Annex to the Covenant and to the following organizations:

The International Federation of Agricultural Trades Unions, the International League of Agricultural Associations (Internationaler Bund der Landwirtschaftlichen Genossenschaften), the International Agricultural Commission, the International Federation of Christian Unions of Landworkers, the International Federation of Landworkers, the International Institute of Agriculture at Rome, the International Federation of Trades Unions, the International Association for the Legal Protection of Workers.

The request was also communicated to Germany and Hungary.

Finally the court decided to hear, at a public sitting, the representatives of any government and international organization which, within a fixed period of time, expressed a desire to be so heard. This decision was brought to the knowledge of all the members, States, and organizations mentioned above and of the International Labor Office at Geneva.

The court had at its disposal, when pronouncing its opinion, the following documents:

(1) A certified copy of a letter (undated) from the Director of the International Labor Office to the Secretary-General of the League of Nations, together with a note annexed thereto; also a supplementary note dated July 20, 1922.

(2) A certified copy of a letter dated June 13, 1922, from the Foreign Minister of the Government of the French Republic to the Secretary-General of the League of Nations, together with a note from that government and a note annexed thereto from the Society of Agriculturists of France; also a supplementary note, dated July 14, 1922, submitted by the representative of the French Government.

(3) A letter dated June 15, 1922, from the International Federation of Landworkers to the Permanent Court of International Justice.

(4) A letter dated June 8, 1922, from the President of the Central Association of French Agriculturists to the Vice-President of the Permanent Court of International Justice.

(5) A letter dated June 19, 1922, from the President of the International Institute of Agriculture to the President of the Permanent Court of International Justice.

(6) A note dated June 28, 1922, addressed to the court by the International Federation of Christian Unions of Landworkers.

(7) A telegram from the Swedish Government.

(8) A letter dated July 20, 1922, from the International Federation of Agricultural Trades Unions to the registrar of the court.

(9) A note dated July 6, 1922, from the Italian Government.

The court also heard oral statements (1) on behalf of the French Government; (2) on behalf of the British Government; (3) on behalf of the Portuguese Government; (4) on behalf of the Hungarian Government; (5) on behalf of the International Agricultural Commission; (6) on behalf of the International Labor Office, (7) on behalf of the International Federation of Trades Unions.

The following facts are established:

The General Conference, commonly known as the International Labor Conference, at its first session, at Washington, in October and November, 1919, decided by a vote of 42 to 14 to place questions relating to agricultural labor on the agenda of a future conference. The second session, at Genoa, in June and July, 1920, dealt mainly with the subject of seamen.

In March, 1920, the governing body of the International Labor Office, which, under Article 400 of the treaty, settles the agenda of the conference, had included in the agenda of the third session, which was to be held in 1921, the following questions relating to the conditions of agricultural labor:

2. Agricultural questions:

- (a) The adaptation of the Washington decisions to agricultural labor:
 - i. Regulation of the hours of work.
 - ii. Measures for the prevention of or providing against unemployment.
 - iii. The protection of women and children.
- (b) Technical agricultural education.
- (c) Living-in conditions of agricultural workers.
- (d) Guarantee of the rights of association and combination.
- (e) Protection against accident, sickness, invalidity, and old age.

The Swiss Government addressed to the governing body on January 7, 1921, a letter drawing attention to the difficulties involved in the international regulation of the conditions of labor in agriculture, and proposing that these questions be removed from the agenda, or that their consideration be at least deferred. The governing body, in reply, called attention to Article 402 of the treaty, which provides that the government of any of the members may formally object to the inclusion of any item or items in the agenda, but that the grounds of such objection shall be set forth in a reasoned statement for circulation among all the members of the permanent organization, and that the items to which objection is made shall not be excluded if at the conference two-thirds of the delegates present vote in favor of considering them. The Swiss Government did not pursue its request, but made answer to the questionnaire prepared by the International Labor Office, reserving the right to proceed under Article 402, if it should think this desirable.

On May 13, 1921, the French Government dispatched to the International Labor Office a memorandum particularly referring to the regulation of hours of labor, and asking, on the ground that the discussion of the subject would be inopportune, that the question of agricultural labor be with-

drawn from the agenda of the forthcoming conference. On October 7, 1921, however, the French Government withdrew this memorandum and filed another, in which, without abandoning the ground that the discussion of agricultural questions was inopportune, it requested that all such questions be withdrawn from the agenda, observing that the treaty did not "make specific mention of agricultural workers," and that, as doubts had been raised as to the competence of the International Labor Office in such matters, this should suffice for the postponement of all agricultural questions, pending an examination of that subject.

In the final version of the agenda for the third session of the International Labor Conference, which was held at Geneva in October, 1921, the following items comprise the questions relating to agriculture contained in the original draft of the agenda:

- II. Adaptation to agricultural labor of the Washington decisions concerning the regulation of the hours of work.
- III. Adaptation to agricultural labor of the Washington decisions concerning—
 - (a) Measures for the prevention of or providing against unemployment.
 - (b) Protection of women and children.
- IV. Special measures for the protection of agricultural workers—
 - (a) Technical agricultural education.
 - (b) Living-in conditions of agricultural workers.
 - (c) Guarantee of the rights of association and combination.
 - (d) Protection against accident, sickness, invalidity, and old age.

At the third meeting of the conference, on October 27, 1921, a resolution was adopted by 74 votes to 20, reaffirming the competence of the conference in matters of agricultural labor and deciding to consider separately whether it was opportune to maintain on the agenda each of the questions above stated.

At the meeting on October 28, Question II was removed from the agenda, the vote for its retention standing 63 to 39, or less than the requisite two-thirds. On the following day, however, it was decided by a vote of 90 to 17 to retain Question III, and by a vote of 93 to 13 to retain Question IV. The conference then proceeded to appoint a committee to consider these questions, together with certain draft conventions and recommendations, and on October 31 the conference adopted a resolution, on the motion of the British, Italian, and Netherlands delegations, to put the "regulation of hours of labor in agriculture" on the agenda of the next conference. The conference later adopted three draft conventions and seven recommendations concerning the protection of agricultural workers.

At the 16th session of the Council of the League of Nations, on January 13, 1922, the representative of France presented, under instructions of his government, a resolution to the effect that the Permanent Court of International Justice be requested to give an advisory opinion on the following questions:

"Is the International Labor Organization competent to deal with questions of agricultural labor? If the reply is in the affirmative, how far do its powers extend in this matter?"

The court decided to postpone action upon this resolution

to one of the succeeding sessions, instructing the Secretary-General to take the necessary measures for its future consideration, including consultation with the International Labor Office and with the technical advisers of the Secretariat of the League. At the 18th session, on May 12, 1922, the Council decided to put the question now before the court, which relates only to the competency of the organization, and not to the extent of that competency, if it exists.

On the facts thus set forth the court gives the following opinion:

The question before the court relates simply to the competency of the International Labor Organization as to agricultural labor. No point arises on this question as to the expediency or the opportuneness of the application to agriculture of any particular proposal.

The Treaty of Peace between the Allied and Associated Powers on the one hand and Germany on the other, signed at Versailles on June 28, 1919, is divided into fifteen parts, of which Part XIII relates to labor. Part XIII is composed of two sections, the first of which, opening with a preamble, embraces Articles 387-426, while the second, consisting of Article 427, enunciates certain "general principles." Section I, which is entitled "Organization of Labor," provides for a "permanent organization," international in character, commonly called the International Labor Organization. This organization consists (1) of a general conference, to be held at least once a year, of representatives of the members of the International Labor Organization, and (2) of an International Labor Office controlled by a governing body.

The conference is composed of delegates nominated by the members of the organization, each member being entitled to name four, two of whom are "government delegates" and two "non-government delegates," the latter "representing respectively the employers and the workpeople of each of the members" (Arts. 387-390). Each delegate may be accompanied by "advisers," not exceeding two for each item on the agenda of the meeting.

The governing body of the International Labor Office consists of twenty-four persons, as follows: twelve "representing the governments," six elected by the delegates "representing the employers," and six by the delegates "representing the workers," and it is provided that of the twelve persons representing the governments eight shall be named by the members "of the chief industrial importance." "Any questions as to which are the members of the chief industrial importance shall be decided by the Council of the League of Nations" (Art. 393).

In considering the question before the court upon the language of the treaty, it is obvious that the treaty must be read as a whole, and that its meaning is not to be determined merely upon particular phrases, which, if detached from the context, may be interpreted in more than one sense. It was much urged in argument that the establishment of the International Labor Organization involved an abandonment of rights derived from national sovereignty, and that the competence of the organization, therefore, should not be extended by interpretation. There may be some force in this argument, but the question in every case must resolve itself into what the terms of the treaty actually mean, and it is from this point of view that the court proposes to examine the question.

As Part XIII expressly declares, the design of the contracting parties was to establish a *permanent labor organi-*

zation. This in itself strongly militates against the argument that agriculture, which is, beyond all question, the most ancient and the greatest industry in the world, employing more than half of the world's wage-earners, is to be considered as left outside the scope of the International Labor Organization because it is not expressly mentioned by name.

The comprehensive character of Part XIII is clearly shown in the preamble, which declares that "conditions of labor" ("*conditions de travail*") exist "involving such injustice, hardship, and privation to large numbers of persons as to produce unrest so great that the peace and harmony of the world are imperiled." An improvement of these conditions the preamble declares to be urgently required in various particulars, the examples given being (1) "the regulation of the hours of work, including the establishment of a maximum working day and week"; (2) "the regulation of the labor supply"; (3) the "prevention of unemployment"; (4) the "provision of an adequate living wage"; (5) the "protection of the worker against sickness, disease, and injury arising out of his employment"; (6) the "protection of children, young persons, and women"; (7) "provision for old age and injury"; (8) "protection of the interests of workers when employed in countries other than their own"; (9) "recognition of the principle of the freedom of association"; and (10) the "organization of vocational and technical education."

The preamble then goes on to state that the reason for dealing with the enumerated measures internationally is that "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries." This in itself is as applicable to navigation as to any industry and it is also applicable to some extent to fishing and to agriculture. The adoption of humane conditions of labor in any of these three industries might to some extent be retarded by the danger that such conditions would form a handicap against the nations which had adopted them and in favor of those which had not, in the competition of the markets of the world.

"Moved," then, so the preamble declares, "by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, the high contracting parties proceeded, in the very next clause of the treaty (Arts. 387, 388) to establish the "permanent organization," "*for the promotion of the objects set forth in the preamble.*"

These are the terms in which the treaty expressly defines the competence of the International Labor Organization, and language could hardly be more comprehensive.

The language (Art. 389) regarding the composition of the general conference is equally comprehensive. In each delegation there is to be a representative of the "workpeople," or, in the French text "*travailleurs*." This delegate, together with his advisers, is to be chosen by the government in agreement with the "industrial organizations" most representative of the "workpeople." The French text speaks of "*organisations professionnelles*" and of "*travailleurs*" without qualification. The word "industrial" in the English text is applicable to agriculture, and the word "*professionnelles*," the English for which in the preamble is "vocational," is in its ordinary sense applicable to organizations of agricultural workers.

So, when we come to Article 396, defining the functions of the International Labor Office, we find that they include

"the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labor." The equivalent in the French text of the phrase "conditions of industrial life and labor" is "*la condition des travailleurs et du régime du travail*," the word "*industriel*" not being used. Further on, the office is directed (Art. 396, paragraph 4) to publish "a periodical paper dealing with problems of industry and employment of international interest." In the French text the equivalent of "employment" is the equally wide word "*travail*."

At the oral hearing there was much elaboration of the argument that Part XIII could not have been intended to comprehend agricultural labor, because certain of the general principles enunciated in its second section, which forms Article 427 of the treaty, are inapplicable to agriculture.

The general principles enunciated in Article 427 are (1) that "labor should not be regarded merely as a commodity or article of commerce"; (2) that the employed as well as employers should enjoy "the right of association for all lawful purposes"; (3) that workers should be paid "a wage adequate to maintain a reasonable standard of life as this is understood in their time and country"; (4) that an 8-hour day or a 48-hour week should be adopted "as the standard to be aimed at where it has not already been attained"; (5) that "a weekly rest of at least 24 hours, which should include Sunday wherever practicable," should be adopted; (6) that "child labor" should be abolished, and such limitations imposed "on the labor of young persons as shall permit the continuation of their education and assure their proper physical development"; (7) "that men and women should receive equal remuneration for work of equal value"; (8) that "the standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein"; (9) that "each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed."

That most of these principles are as applicable to agricultural as to any other form of labor was not denied. It was not even suggested that, in agriculture, labor should be regarded merely as a commodity; that it should be forbidden to form associations; that it should not be adequately compensated; that it should be excepted from the rule of equal pay for work of equal value; that it was not to have the benefit of legal standards based on the equitable economic treatment of all resident workers. The principles to which objection has been made were the fourth, fifth, sixth, and ninth.

Were it material now to consider whether or to what extent these principles are applicable to agricultural labor, it would be pertinent to point out, as a matter of common knowledge, that the general limitation of working hours and of child labor has already, even with regard to agriculture, in some measure been directly imposed by or has resulted from existing legislation, and that there are other industries admittedly embraced in Part XIII to which fixed and rigid limitations of that kind would be as difficult of application as to agriculture; but it is sufficient for the present question to say that this difficulty is fully recognized in the treaty, and that, while no measure can be applied in any country that does not see fit to adopt it, there is nothing in Article 427 that enjoins the application of all the prin-

ciples in their entirety by any particular nation, or at any particular time, or to any particular kind of labor. On the contrary, their enunciation is introduced with the explicit declaration that the contracting parties "recognize that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict conformity in the conditions of labor difficult of immediate attainment," but that, "holding as they do, that labor should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labor conditions which all industrial communities should endeavor to supply, as far as their special circumstances will permit." And it is to be observed that the treaty, in defining the powers of the general conference, similarly provides (Article 405) that "in framing any recommendation or draft convention of general application, the conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions (French text "*les conditions de l'industrie*") substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries." It is obvious that these clauses are in their terms applicable to agriculture.

But recurring to Article 427, its terms leave the court in no doubt as to its comprehensive character. The first paragraph takes pains to recite that the "permanent machinery" provided in Part XIII is concerned with "the well-being, physical, moral, and intellectual," of "industrial wage-earners," or, as the French text reads, "*travailleurs salariés*." Here there is no limitation or qualification. Nor was any to be expected, in view of the fact, heretofore pointed out, that Part XIII, at the very outset, had broadly declared that the concern of the permanent organization was the amelioration of the "conditions of labor" (*conditions de travail*).

The argument for incompetence is found on analysis to rest almost entirely upon the contention that, because the words "*industrie*" and "*industrielle*," which ordinarily refer to manufactures, occur in the French text of certain clauses, Part XIII as a whole must now be confined within that limit.

Before considering this contention in detail, it may be helpful to examine the senses in which these words are used.

In the French Dictionary by Littré, we find under "*Industrie*" the following:

"4. Nom sous lequel on comprend toutes les opérations qui concourent à la production des richesses: l'industrie agricole, l'industrie commerciale et l'industrie manufacturière. L'industrie agricole s'applique principalement à provoquer l'action productive de la nature ou à en recueillir les produits . . . l'industrie se dit quelquefois de tous les arts industriels, sauf l'agriculture, par opposition à l'agriculture."

The adjective "*industriel*" "*industrielle*," in the same dictionary, is defined as signifying "*qui appartient à l'industrie*," and, while there can be no doubt that it is generally used in a special and restrictive sense, the question here is in what sense, reading the treaty as a whole, it should be understood.

By Article 440 of the treaty it is provided that the English and French texts "are both authentic" (*feront foi*).

In the Oxford Dictionary, among the definitions of "industry," we find:

"4. Systematic work or labor; habitual employment in some useful work, nor esp. in the productive arts or manufactures. (This, with 5, is the prevalent sense.) . . . 5. A particular form or branch of productive labor; a trade or manufacture." In the same dictionary, the adjective "industrial" is first defined: "A. adj. pertaining to, or of the nature of, industry or productive labor, resulting from industry." In the examples given, the phrase "industrial fruits" is defined as "fruits grown or cultivated by human industry." As a substantive, "industrial" is defined as "one engaged in industrial pursuits," and the first example given is from the *Pall Mall Gazette* of 16th August, 1865, where we find this classification: "commercial . . . agriculturists . . . and industrials."

Evidently, the function of the French words "*industrie*" and "*industriel*" is not essentially unlike that of the English words "industry" and "industrial." Though used in a restricted sense in opposition to agriculture, in their primary and general sense they include that form of production. At the present day the adjective is, especially in French, most commonly used in relation to the arts or manufactures, and would ordinarily be so understood, unless the context indicated that it was to be interpreted otherwise. But the context is the final test, and in the present instance the court must consider the position in which these words are found and the sense in which they are employed in Part XIII of the Treaty of Versailles.

As to their position, it will be observed that in the preamble, by which the field of activity of the International Labor Organization is defined, they do not occur at all. There the fundamental words are "conditions of labor"—*conditions de travail*." So, as has been seen in the description of the organizations in agreement with which the governments are to choose the workpeoples' delegates and their advisers, the word "*professionnelles*," which beyond all question is wide enough to include all forms of industry, is used. Again, in Article 409, relating to complaints made to the International Labor Office by "an industrial association of employers or of workers," as to default by a member in enforcing a convention, the French text speaks of "*une organisation professionnelle ouvrière ou patronale*."

Turning now to clauses containing the word "*industrielle*," reference may first be made to Article 412, which provides for the formation of a panel from which a commission of inquiry may be drawn for the purpose of investigating a complaint made by a member of the organization that another member is not securing the effective observance of any convention which both have ratified in accordance with Part XIII.

The article provides that the panel shall be composed of "persons of industrial experience," the French text reading: "*personnes compétentes en matières industrielles*."

Taking this phrase in connection with the rest of the treaty, the natural inference would appear to be that the phrase "*matières industrielles*" was intended to include the industry of agriculture. But, even if it were not so read, the consequences would be that there would seem to be merely a defect in the constitution of the machinery in this particular instance, and not that the powers given to the international organization with regard to conditions of labor were to be similarly limited.

But the chief stress in the argument was placed on the use of the phrase "*importance industrielle*" in Article 393 and the phrase "*communautés industrielles*" in Article 427.

As has already been seen, Article 393 provides that the eight persons representing the governments in the governing body of the International Labor Office shall be named by members, as the English text reads, "of the chief industrial importance," and, as the French text reads, "*dont l'importance industrielle est la plus considérable*." In Article 427 the phrase "industrial communities," and in the French text "*communautés industrielles*," occurs in an expression of opinion, at the close of the article, that the general principles enunciated in it will, if adopted and applied by "industrial communities" ("*communautés industrielles*"), confer lasting benefits upon the "wage-earners of the world."

In the arguments against the inclusion of agriculture the court thinks that too much importance has been attached to the occasional use in the treaty of the French adjective "*industriel*." The word "*professionnel*," which has been used in other clauses for the purpose of clearly including agriculture, is not applicable in all connections. For instance, in Article 393, "*importance professionnelle*" would be too wide in its meaning, and "*industrielle*" is used to take the place of the English word "industrial." It was in truth difficult to find for this purpose any word in French which would not be open to objection as either too wide or too narrow.

As regards the inclusion of agriculture, the court is unable to find in Part XIII, read as a whole, any real ambiguity. The court has no doubt that agricultural labor is included in it. If there were any ambiguity, the court might, for the purpose of arriving at the true meaning, consider the action which has been taken under the treaty. The treaty was signed in June, 1919, and it was not until October, 1921, that any of the contracting parties raised the question whether agricultural labor fell within the competence of the international labor organization. During the intervening period the subject of agriculture had repeatedly been discussed and had been dealt with in one form and another. All this might suffice to turn the scale in favor of the inclusion of agriculture if there were any ambiguity.

Every argument used for the exclusion of agriculture might with equal force be used for the exclusion of navigation and fisheries. As has been pointed out already in this opinion, the second session of the International Labor Conference was almost entirely devoted to seamen, and in that session a recommendation was also made on June 30, 1920, for the limitation of hours of work in the fishing industry. It was never even suggested that either of these great industries was not within the competence of the labor organization.

Much prominence was given in the written and oral arguments to the preparatory work of the Commission on International Labor Legislation, by which Part XIII of the treaty was formulated and submitted to the Peace Conference. Questions were raised by counsel for the French Government, especially in a written memorandum filed with the court after the close of the oral hearings, as to the admissibility of this kind of evidence in the present instance, the contention being, in substance, that, as the terms of the treaty clearly excluded the claim of competence, there was no room for the consideration of extrinsic evidence to the contrary, and that powers who took no part in the preparatory work were invited to accede to the treaty as it stood, and did so accede. The court does not think it necessary to discuss these contentions, as it has already, on the construction of the text itself, reached the conclusion that agri-

cultural labor is within the competence of the International Labor Organization, and there is certainly nothing in the preparatory work to disturb this conclusion.

For these reasons the court is of opinion that the competence of the International Labor Organization does extend to international regulation of the conditions of labor of persons employed in agriculture, and therefore answers in the affirmative the question referred to it.

Done in English and French, the English text being authoritative, at the Peace Palace, The Hague, this twelfth day of August, one thousand nine hundred and twenty-two, in two copies, one of which is to be placed in the archives of the court and the other to be forwarded to the Council of the League of Nations.

[L. S.]

— — —,
President.

— — —,
Registrar.

M. Beichmann, Deputy Judge, took part in the deliberations of the court concerning the present opinion, but was compelled to leave for Norway before the terms of the opinion were finally settled.

M. Weiss, Vice-President of the court, and M. Negulesco, Deputy Judge, availing themselves of the right accorded them under Article 71 of the Rules of Court, declare that they are unable to concur in the opinion given by the court.

THE TWENTY-SECOND INTERNATIONAL PEACE CONGRESS

July 25-29, 1922

NOTES BY THE EDITOR

THE TWENTY-SECOND International Peace Congress, held in London, July 25, 26, 27, 28, 29, attended by about 500 delegates, was opened in the Mansion House by the Lord Mayor of London. Mr. Fisher, the Minister for Education, brought a message from the King expressing the earnest hope that the efforts of the pacifists in the cause of universal peace will meet with all success. The Prime Minister, Mr. Lloyd-George, sent his regrets that he was prevented by the urgent pressure of business from being present. Mr. Fisher addressed the Congress. He stated that the chief aim of British policy had been for centuries and would be, he hoped, for many centuries to come the maintenance of international peace. "Great Britain has everything to lose and it has nothing to gain from war." He pointed out that Britain, having created a military instrument comparable in size and equal in every point of technical equipment and proficiency to the most formidable army of the continent, then "deliberately broke that instrument to pieces when its object had been accomplished and reverted to the old civilian traditions of our race." He went on to say that when the course of British diplomacy during the momentous years succeeding the war comes to be examined by the impartial eye of history, he thought it would be found that British influence had been consistently employed on the side of moderation. It was not in the interests of civilization that the world should be divided into two camps. It is the desire of the British Government, he stated, that Germany should

apply for admission to the League of Nations this year. The continent of Europe now realizes that a modern war upon a great scale brings famine, pestilence, and revolution; that it involves grinding taxations for victors and vanquished alike; that it leads to dislocation of trade, to serious unemployment, to widespread social distress. It produces a perceptible decline in the standard of human behavior, offsetting the moral sublimity exhibited during the crucial period of sacrifice. The populations of the world are sick of war. They have lost their illusions concerning it. But even if this were not so, none of us could afford to embark upon serious preparations for a new conflict. There is no more powerful missionary for peace than the tax-collector. We have reached a breathing space. We have peace, but it is a peace of lassitude rather than a peace of repentance. The world is in a state of restless and short-tempered exhaustion. Physical disarmament has been imposed upon the vanquished, but how far have we advanced along the path of moral disarmament? Not many miles. There is a good deal of trouble all over Europe and in the East as well, and it is high time that some real progress were made along the path of international good-will.

Other points advanced by Mr. Fisher might be briefly summarized: The greatest of all present dangers is the spirit of fanatical nationalism. It is present in Ireland, in Anatolia, in Egypt; it is a growing menace to the peace of Asia. We must compose these fanatical and extreme forms of political creed by temperate and moderate opinion. Another problem which may well engage the attention of the Conference is the widespread increase of scientific interest in the latest developments of the art of war. If war has become more terrible, it has also gained in intellectual fascination. To posterity the attraction of those awful regions of science which are consecrated to the manufacture of torture and death would become very great.

Great armaments lead to war. We have before us an opportunity which may never recur of so relieving the world of the crushing burden of armaments that another war on a large scale will become, at least for a generation, an impossibility. There are difficulties, but difficulties are made to be overcome; the present economic position of the world is so favorable to limitation of armaments that we have no reason to be discouraged.

He confessed that he is in doubt as to how far measures devised to make war less horrible are calculated to make it less probable. Poison gas is a hateful innovation. He would gladly see it superseded. But the elimination of chemical warfare would probably not affect the course of public policy. He wished that the submarine might be abandoned by public consent. He went on to point out that civilized nations should proscribe the revolver.

Interestingly enough, the newspapers covering this address seemed to consider that the most important thing in Mr. Fisher's address was his suggestion that the revolver be done away with.

Speakers following Mr. Fisher were: the Bishop of London, Monsignore Grosch, Rev. G. Nightingale, president of the Nonconformist churches, a rabbi, and Senator La Fontaine of Belgium.

Senator La Fontaine accused the leading men of Eu-